

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<b>THE UNITED STATES</b>  <b>vs.</b>  <b>ROBERT EUGENE COTNER</b>	<i>For U. S.:</i>  <b>JACK M. SHORT</b>    <i>For Defendant:</i>  <b>Elmore A. Page (ret)</b> <b>630 W. 7th, Tulsa</b>
Def. <del>- Pro Se (on bond)</del> <del>P. O. Box 4000</del> <del>- 7710 East Independence</del> <del>Springfield, Mo. 65802</del> <del>Tulsa, OK - 74115</del> <del>838-1724</del>  No. 04372-062 F.C.I. Texarkana, Texas	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed <b>12-1-73</b>	Clerk				
J.S. 3 mailed <b>2-1-74</b>	Marshal				
Violation mail fraud	Docket fee				
Title 18					
Sec. 1341 and 1342					
2 counts \$1000/or 5 years for each section					

DATE	PROCEEDINGS
9-5-73	Indictment, filed in open court. rm
9-5-73	Record vote of grand jury, filed in open court. rm
9-6-73	Warrant issued. Bail set in amt. of \$5000 c/s. rm
11-8-73	Appearance Bond of Deft. in amount of \$5,000.00, personal, filed with Order Specifying Methods and Conditions of Release. (CSB-USMag)v
11-15-73	Def. present in person and rep. by Elmore A. Page, ret. counsel. The govt rep. by Ben Baker for Jack M. Short. Def. acknowledges receipt of Indictment. Def. advised of charged. Def. arraigned and enters plea of NOT GUILTY as to Cts. 1&2, and case passed to next jury docket. Def. granted 20 days to file motions. Def. to remain on present bond. (AEB-J)h
11-15-73	Warrant for Arrest of Deft. returned and filed. Executed same by arresting Robert Eugene Cotner at Tulsa, Okla. on 11-8-73 and committing him to the Tulsa County Jail. jj
12-5-73	Motion for Discovery and Inspection, filed. jj copy to Dene

DATE	PROCEEDINGS
12-10-73	Minute Order: It is ordered that hearing on motion for discovery is set before U.S. Magistrate on Monday, Dec. 17, 1973 for findings and recommendations. (AEB-J)e
12-12-73	It is ordered that this case is set for Jury trial on Mon. 1-7-74 at 9:30am(AEB)
12-17-73	Hearing held on motion before U.S. Magistrate. It is ordered that motion for discovery and inspection is hereby overruled as moot. Govt directed to furnish all information legally required as receiver.(CB-USM)h
12-17-73	Order filed that deft's motion for discovery and inspection is overruled as moot.(AEB-J)h -copies mailed-
1-4-74	Mot. of Deft. for Judicial Determination of Mental Competency, filed. v Case called for Jury Trial. Def. present and rep. Mental Comp. Mot. granted. <u>Order granting Judicial Determination of Mental Competency filed in open Court.</u> It is further ordered that this case is passed to Jan. 21, 1974. The doctor's report is due 1-15-74.(AEB-J)e
1-7-74	
1-16-74	Case set for <u>CHANGE OF PLEA</u> for 10 a.m., Jan. 17, 1974, before Judge Allen E. Barrow. (AEB-J)rm
1-17-74	Deft. present and represented. Deft. withdraws plea of Not Guilty and enters plea of NOLO CONTENDRE over Govt's objection. Court finds there is a factual basis for the plea. Deft. waives right to jury, waiver signed and filed in open court. Case set for sentencing 1-22-74 at 10:00 a.m. Deft. to stand on present bond. (AEB-J)e
1-22-74	
	Deft. present in person and rep. by Elmore A. Page, Ret. counsel. Gov't rep. by Jack M. Short. Judgment and Sentence--Robert Eugene Cotner Ct. 1 -- Atty. Gen. One (1) Year Ct. 2 -- Atty. Gen. One (1) Year, to run concurrently with sentence in Count 1. (LB-J)e
1-22-74	Judgment and Commitment filed and entered. Two c/c's del. to U.S. Marshal. e
2-11-74	Judgement and Commitment returned and filed. Defendant Robert Eugene Cotner was Delivered to Medical Center for Federal Prisoners at Springfield, Mo. on February 4th, 1974.s
7-16-74	Transcript of proceedings on arraignment & plea, 1-17-74, filed. g (LEM)
7-19-74	Defendant's motion for bond time, filed. g
7-19-74	Case set for hearing on deft's motion for bond time 7-25-74 at 9:30 a.m. (LB-J)hm
7-25-74	Case called for hearing on deft's motion for bond time. Deft. not present but represented; govt. represented. Motion denied and counsel for govt. to prepare order. Deft. advised of right to appeal (LB-J)hm
7-25-74	Order denying motion for bond time, filed and entered. (LB-J)hm (copies mailed counsel & Mrs. Cotner)
8-6-74	Notice of appeal from order of 7/25/74, filed. rm
8-6-74	Affidavit to appeal in f.p., filed. rm
8-8-74	Order, filed, granting def. leave to appeal in f.p.(LB-J)rm - copies to USCA counsel & def.

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DATE	PROCEEDINGS
8-8-74	Reporter's transcript of proceedings had on 11/15/73, arraignment and plea, filed. rm (Larry Marks, Ct Reporter)
9-11-74	Appeal record (orig. + 3 cpies) sent to USCA. g
<del>9-13-74</del>	<del>Return on Warrant of Arrest as to deft. King, filed. -- Returned unexecuted. --</del> entered on wrong docket.
2-14-75	Mandate of USCA dismissing appeal for mootness, filed & spread of record. g
2-21-75	Appeal record (1 vol.) rec'd from USCA. g
<u>1980</u>	
7-14	MOTION TO VACATE, pursuant to 18 U.S.C. 2255. (80-C-384-C).rm <i>orig. memo to Judge with</i>
10-20	AFFIDAVIT for entry of default by Cotner.am
12-1	ORDER, overruling motion to vacate. (HDC-J)mm c/m
12-15	NOTICE of appeal by deft. from order of 12/1/80.rm-c/m USCA & counsel & deft.
12-16	APPEAL RECORD (1 vol., orig. & 1 copy) sent to 10th Cir. rm
12-30	MO: Petitioner having submitted a mo/reconsider on 12/29/80, the Ct. finds that it is without jurisdiction due to pending appeal from said Order of 12/1/80. (HDC-J)rm-c/m petitioner, U.S. Atty. & USCA
1-23-81	MOTION and <u>ORDER</u> to suppl. record on appeal. rm
1-26	SUPPL. VOLS. I & II transmitted to 10th Cir. rm
12-7	MANDATE & OPINION of 10th Cir. affirming. rm
12-17	APPEAL RECORD (1 vol., plus 2 vols. suppl.) recd. from 10th Cir. rm

DATE	PROCEEDINGS



